

APPENDIX N
GROUNDWATER MANAGEMENT PROGRAM
RULES AND REGULATIONS

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1st Revision: July 9, 2009

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Rules and Regulations on Ground Water Irrigation Runoff

- a) Each person within the Papio-Missouri River Natural Resources District who withdraws ground water for irrigation purposes from any well having the capacity of delivering one hundred gallons per minute or more shall take such measures and implement such procedures as needed to prevent the water from such well from in-efficiently and improperly flowing as runoff from the tract of land being irrigated.
- b) Runoff of ground water used in irrigation shall be deemed to be inefficient and improper when any quantity of water shall flow from the field being irrigated while the well withdrawing such ground water shall be in operation.
- c) Procedures to prevent, control and abate inefficient and improper runoff may include self-imposed limitations on ground water withdrawals.
- d) Measures for the construction, modification, extension, or operation of remedial measures to prevent, control, or abate runoff of ground water used in irrigation may include:
 - 1. Construction of a runoff collection and/or retention system such as a sump or dugout, together with a reuse pump and/or ditch to return the water to the same or other field, and,
 - 2. Blocking of rows or field borders to contain irrigation water within the tract of land being irrigated.
- e) The Papio-Missouri River NRD shall enforce these rules and regulations by the issuance of cease and desist orders, and by the utilization of such other remedies for enforcement as may be provided by law.

Adopted by the Board of Directors – November 6, 1975

Procedures for Enforcement of Rules and Regulations on Ground Water Irrigation Runoff

1. Upon receipt by the PMRNRD of an inquiry regarding ground water runoff, provide general information and a complaint form
2. Upon receipt of a completed complaint form, conduct a prompt on-sight investigation. (Note: pursuant to the definition of “inefficient and improper” runoff in the PMRNRD regulations, the runoff in question must involve “flow from the field being irrigated while the well withdrawing such ground water shall be in operation.”).
3. After inspection, issue a written report with findings as to whether a violation has occurred.
4. If a violation is found to have occurred, provide the irrigator written notice, together with a copy of the investigation report. The notice must be given a minimum of three days prior to issuance of any cease and desist order. The notice must inform the irrigator he/she has a “reasonable opportunity to be heard.” The notice should provide the irrigator two options. One option is to agree to cease and desist from allowing groundwater runoff. The second option is to request a hearing as to whether a violation has occurred. If the first option is chosen, the irrigator should be asked to set forth compliance measures and a schedule for their completion, subject to NRD approval.
5. If a hearing is demanded, a special meeting of the Board (in accordance with District Hearing Rules and Regulations) should be called for this purpose, and the irrigator must be allowed to present his or her case. The investigator will also present the results of the investigation. The Board will then determine whether a violation has occurred. If so, it shall approve issuance of a cease and desist order, with such terms as the Board may approve. In theory, a hearing may be held as soon as the irrigator has had three days’ notice. A longer time can be designated.

Adopted by the Board of Directors – December 11, 2014

Limit on the Expansion of Groundwater Irrigated Acres and the Construction of New Irrigation Wells

1. Definitions

“Annual Evaluation” shall mean the “Annual Evaluation of Availability of Hydrologically Connected Water Supplies”, published by the Nebraska Department of Natural Resources.

“Historically Irrigated Acres” shall mean acres irrigated with groundwater during two of the previous ten years, unless the acres were a part of a federal set aside program. Acres that were a part of a federal set aside program that were irrigated using groundwater prior to entering into the federal set aside program shall be considered Historically Irrigated Acres.

“Hydrologically Connected Area” shall mean the area within the Papio-Missouri Natural Resource District determined to be hydrologically connected to surface water as listed in the Annual Evaluation.

“Irrigation Well” shall mean any well constructed for the purpose of irrigating cropland.

“Replacement Well” shall mean an Irrigation Well constructed for the purposes of irrigating Historically Irrigated Acres and for replacing an Irrigation Well that has been properly de-commissioned in the State of Nebraska.

2. Purpose and Authority

The purpose of these rules and regulations is to limit the expansion of irrigated acres to approximately 2,500 per year. These rules and regulations are authorized by Nebraska Revised Statutes sections 46-718 and 46-739.

3. Immediate Limit on the Expansion of Groundwater Irrigated Acres

Effective immediately, there shall be no additional groundwater irrigated acres, beyond those considered to be Historically Irrigated Acres, within the Hydrologically Connected Area without a variance being granted by the District.

4. Immediate Limit on the Construction of New Irrigation Wells

Effective immediately, there shall be no additional irrigation wells, not considered as Replacement Wells, constructed in the Hydrologically Connected Area without a variance being granted by the District for the expansion of groundwater irrigated acres.

Adopted by the Board of Directors – November 13, 2014

Rules and Regulations for the Granting of Variances from the Limit on the Expansion of Groundwater Irrigated Acres and Construction of New Irrigation Wells

1. Definitions

“Annual Evaluation” shall mean the “Annual Evaluation of Availability of Hydrologically Connected Water Supplies”, published by the Nebraska Department of Natural Resources.

“Certified Acres” shall mean those acres recognized by the Papio-Missouri River Natural Resources District as being Historically Irrigated.

“Fully Appropriated” shall mean a river basin, designated by the Department, where the surface and groundwater supplies are just sufficient to meet the demand on those supplies. Fully Appropriated is determined by the Department in its Annual Evaluation.

“Historically Irrigated Acres” shall mean acres irrigated with groundwater during two of the previous ten years, unless the acres were a part of a federal set aside program. Acres that were a part of a federal set aside program that were irrigated using groundwater prior to entering into the federal set aside program shall be considered Historically Irrigated Acres.

“Hydrologically Connected Area” shall mean the area within the Papio-Missouri Natural Resource District determined to be hydrologically connected to surface water as listed in the Annual Evaluation. A listing of the sections within the Hydrologically Connected Area is included below, *infra*.

“Irrigation Well” shall mean any well constructed for the purpose of irrigating cropland.

“Planning Period” shall mean the four year period starting on January 1, 2009 and ending December 31, 2012.

“Replacement Well” shall mean an Irrigation Well constructed for the purposes of irrigating Historically Irrigated Acres and for replacing an Irrigation Well that has been properly de-commissioned in the State of Nebraska.

2. Hydrologically Connected Area

The Hydrologically Connected Area is comprised of those sections that the Nebraska Department of Natural Resources has determined to have hydrologically connected surface water and groundwater in the Annual Evaluation. The Hydrologically Connected Area is designated as the sections or portions of sections, as listed below, within the Papio-Missouri River Natural Resources District:

Dodge County: Township 17 North, Range 08 East, Sections 25, 35, 36; Township 17 North, Range 09 East, Section 31

Douglas County: Township 14 North , Range 09 East, Section 01; Township 14 North, Range 10 East, Sections 03, 04, 05, 06, 07, 08, 09; Township 15 North, Range 09 East, Sections 01, 02, 03, 11, 12, 13, 24, 25, 36; Township 15 North, Range 10 East, Sections 02 ,03,04, 05, 06,

07, 08, 09, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34; Township 16 North, Range 08 East, Section 01; Township 16 North, Range 09 East, Sections 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36; Township 16 North, Range 10 East, Sections 04, 05, 06, 07, 08, 09, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34

Sarpy County: Township 12 North, Range 10 East, Sections 03, 04, 05, 09, 10, 11, 12, 13; Township 12 North, Range 11 East, Sections 01, 02, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21; Township 12 North, Range 12 East, Sections 06; Township 13 North, Range 10 East, Sections 03, 04, 05, 08, 09, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33; Township 13 North, Range 11 East, Sections 25, 36; Township 13 North, Range 12 East, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33; Township 13 North, Range 13 East, Sections 03, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; Township 13 North, Range 14 East, Sections 30, 31; Township 14 North, Range 10 East, Sections 16, 17, 20, 21, 28, 29, 32, 33;

Washington County: Township 17 North, Range 09 East, Sections 02, 03, 11, 12, 13; Township 17 North, Range 10 East, Sections 18, 20, 29, 32, 33; Township 18 North, Range 09 East, 05, 08, 17, 20, 28, 29, 33, 34.

3. Authority and Purpose:

These rules and regulations are authorized by Nebraska Revised Statutes sections 46-718 and 46-739.

The purpose of these rules and regulations is to limit the expansion of irrigated acres that utilize groundwater sources within the Hydrologically Connected Area to approximately 2,500 additional acres per year.

4. Groundwater Irrigation allowances:

Rule 1 Expansion of groundwater irrigation shall be done through application to the District for a variance to the imposed limit on the expansion of irrigated acres and the construction of new irrigation wells. District management shall determine the variances to be granted so as to limit expansion of irrigated acres to approximately 2,500 additional acres per year, according to time of filing.

Rule 2 Certification shall be completed upon submittal to the District, by the applicant, of a state well registration number for new well construction or by submittal, by the applicant, of appropriate documentation of modification to the existing Irrigation Well. District management shall make the determination of Certified Acres and notify the applicant.

Rule 3 A variance shall be voided if the completion of the new Irrigation Well or other required piping and appurtenances to the existing Irrigation Well are not completed within one year of the granting of the variance. District management shall make the determination of voided application and notify the applicant.

5. Enforcement and Appeal:

Rule 1 The District shall enforce these rules and regulations adopted herein pursuant to and in accordance with the enforcement procedures provided in the Nebraska Groundwater Management and Protection Act. Any landowner, not satisfied with a determination by District management, may request to address the District Board of Directors.

Adopted by the Board of Directors – November 13, 2014